

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

UNITED STATES OF AMERICA,)
vs.)
Plaintiff,)
2007 CADILLAC ESCALADE,)
VIN: 1GYFK63877R412537,)
Defendant.)
vs.) No. 08 CV 3455

VERIFIED ANSWER TO COMPLAINT FOR FORFEITURE

NOW COMES, JESUS FONSECA, as the owner of the above described property and asks leave of court to enter the action as a claimant, and further, answers the Complaint for Forfeiture as follows:

1. I, JESUS FONSECA, have a legitimate ownership interest in the vehicle described above. I hereby claim ownership in this property, and contest the forfeiture pursuant to 18 U.S.C. 983 (a)(4)(A).

IN ANSWER TO THE COMPLAINT, the claimant states as follows:

1. The Claimant admits the allegations in Paragraph One.
2. The Claimant neither admits nor denies the allegations in the affidavit incorporated in Paragraph Two, and demands strict proof thereof.
3. The Claimant neither admits nor denies the allegations in Paragraphs Three, and demands strict proof thereof.

4. According to current information, the claims regarding jurisdiction and venue in Paragraphs Four and Five of the complaint appear to be correct.

RASCIA & DECASTRO, LTD.

ATTORNEYS AT LAW
650 NORTH DEARBORN
SUITE 700
CHICAGO, IL 60610
(312) 994-9100

5. The Claimant denies each and every allegation in Paragraph Six through Seventeen, and demands strict proof of each and every allegation set forth therein.

6. The Claimant denies the allegation in paragraph Eighteen, and demands strict proof thereof.

Defenses:

1. Claimant will assert that plaintiff will not sustain its burden to show that probable cause existed to seize and forfeit the property as connected to a narcotic or drug activity.

2. Claimant will assert that the seizure of respondent's property was made in violation of the Fourth Amendment to the United States Constitution.

3. Claimant will assert that he is an "innocent owner," within the meaning ascribed to that term under the common law, and that, if the vehicle was used for some illicit purpose as alleged by plaintiff, it was so used without his knowledge or consent.

WHEREFORE, the Claimant requests:

- A. That the judgment should enter on behalf of the Claimant.
- B. That the subject property should be returned to the Claimant.

Respectfully Submitted,

S/Robert L. Rascia/August 28, 2008

ROBERT L. RASCIA, ARDC No. 6184470

Attorney for the Defendant

Rascia & DeCastro, Ltd.

650 N. Dearborn/Suite 700

Chicago, IL 60654

312-994-9100 Office

312-994-9105 Fax

rrascia@rascia-decastro.com; Email

ysierra@rascia-decastro.com; Secondary Email

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CHICAGO, IL 60610
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VERIFICATION

I declare under penalty of perjury that the foregoing Verified Answer to Complaint for Forfeiture is true and correct.

Jesús Fonseca

JESUS FONSECA

8/22/08

DATE

SUBSCRIBED AND SWORN TO
me before this 22nd day
of August, 2008

Yanira Sierra
NOTARY PUBLIC



RASCLA & DEGASTRO, LTD.

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CERTIFICATE OF SERVICE

I, ROBERT L. RASCIA, deposes and states that I have served a copy of the Verified Answer to Complaint for Forfeiture to Marsha A. McClellan, Assistant United States Attorney, VIA ELECTRONICALLY FILING on this 28th day of August, 2008.

S/Robert L. Rascia/August 28, 2008
ROBERT L. RASCIA, ARDC No. 6184470
Attorney for the Defendant
Rascia & DeCastro, Ltd.
650 N. Dearborn/Suite 700
Chicago, IL 60654
312-994-9100 Office
312-994-9105 Fax
rrascia@rascia-decastro.com; Email
ysterra@rascia-decastro.com; Secondary Email

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CHICAGO, IL 60610
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